

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DEBRA-ANN WELLMAN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-278-SLR
)	Civil Action No. 05-279-SLR
)	Civil Action No. 05-280-SLR
)	
DuPONT DOW ELASTOMERS, LLC)	
t/a DUPONT HIGH PERFORMANCE)	
ELASTOMERS, LLC; E. I. DUPONT DE)	
NEMOURS & CO., INC., and)	
THE DOW CHEMICAL COMPANY,)	
)	
Defendants.)	

**PLAINTIFF'S SUBMISSION OF PLAINTIFF'S MOTION TO QUASH
DEPOSITION OF PLAINTIFF NOTICED FOR SEPTEMBER 8, 2006**

**PLAINTIFF'S MOTION TO EXTEND DISCOVERY TO OCTOBER 14, 2006
AND PLAINTIFF'S MOTION TO AMEND COURT'S SCHEDULING ORDER**

**PLAINTIFF'S MOTION TO SUBMIT TO RE-NOTICE OF DEPOSITION FOR
ANY DATE SUBSEQUENT TO SEPTEMBER 8, 2006**

COMES NOW, PLAINTIFF DEBRA-ANN WELLMAN, and through counsel, Moves This Honorable Court for the above stated Motions. In support thereof and as factual basis for these Motions, Plaintiff Wellman sets forth the following:

1. Plaintiff's Motion to Quash a Re-Noticed Deposition for Friday, September 8, 2006, is based on Plaintiff's unavailability as to the Deposition scheduled at 9:00 a.m. on Friday, September 8, 2006. Plaintiff Wellman is physically unavailable due to both personal and work conflicts at her employment site, preventing her from making her physical appearance at this time and date.

2. Counsel for Plaintiff Wellman (Stull) verbally conferred with counsel for Defendants (Willoughby) and conveyed Plaintiff's unavailability, and was advised that no other date would be usable for this deposition, concluding that Plaintiff would be required to file a Motion to Quash, which Motion would be opposed.

3. Deposition of September 8, 2006, was a Re-Notice of a prior Deposition date of August 18, 2006, as of which date Plaintiff Wellman could have appeared. Plaintiff would be available to appear as to any other date subsequent to September 8, 2006. No verbal clearance was obtained by Counsel for Defendants from either Counsel for Plaintiff as to the Re-Notice date of September 8, 2006, nor was same communicated to Plaintiff, hence her lack of knowledge as to this Re-Notice date of September 8, 2006.

4. Counsel for Defendants has advised as to his being fully scheduled during the entire month of September, 2006, hence no other date is available as to his office.

5. As an alternative to this seeming impasse, Plaintiff Wellman Moves for an Amendment of the Court's Scheduling Order so as to extend the Discovery cut-off date from September 30, 2006, to October 14, 2006, (two weeks), to allow for full Deposition of Plaintiff and to provide for Defendants' Expert Examination of Plaintiff Wellman, as Noticed by Defendants.

6. Extension of a Discovery cut-off date would also allow Plaintiff Wellman to timely Notice Deposition of two Witnesses from Dow and DuPont without conflicting with Depositions to be held during the week of September 11-15, and the week of September 18, and Wellman's Examination by the Dow/DuPont Expert.

Respectfully submitted,

/s/ JOHN M. STULL

John M. Stull, Esq. (Del.Bar #568)

1300 N. Market Street, Ste 700

P. O. Box 1947

Wilmington, DE 19899

Ph. 302) 654-0399

Attorney for Debra-Ann Wellman

Dated: September 4, 2006

jstullesq@aol.com

CERTIFICATE OF SERVICE

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Barry M. Willoughby, Esquire (No. 1016)
Teresa A. Cheek, Esquire (No. 2657)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
Telephone: (302) 571-6666; (302) 571-6676
Facsimile: (302) 571-3345; (302) 576-3286
Email: bwilloughby@ycst.com; tchee@ycst.com
Attorneys for Defendant Dow

POTTER ANDERSON & CORROON LLP

Elizabeth King, Esquire
1313 Market Street, Sixth Floor
Wilmington, DE 19801
Email: eking@potteranderson.com
Attorney for Defendant DuPont

Dated: September 4, 2006